

Remarks

The Applicants note with appreciation the acknowledgment by the Examiner concerning the Applicants' earlier efforts regarding the Information Disclosure Statement, objections to the Specification, claims objections and rejections under §112. The Applicants also note in Item 15 at the bottom of Page 9 that the rejection under §101 has been raised. That item notes that the Applicants are thanked for addressing this issue. However, it further notes that the "rejection stands." The Applicants believe that these statements are inconsistent and that the "rejection stands" language is an inadvertent error and in that in view of the first of the two sentences, the rejection has actually been withdrawn. This is especially true inasmuch as there is no further commentary that addresses that prior rejection. The Applicants accordingly believe that they have fully complied with the prior §101 rejection and will not address it further. Nonetheless, the Applicants note for the record that it is their understanding that this Amendment is fully responsive and if there is any remaining issue under §101 that the Applicants be afforded an opportunity to further address the issue.

The Applicants note the Examiner's further request for full copies of three of the four documents mentioned on Page 11 of the Official Action. Appropriate copies are enclosed. Consideration is respectfully requested. We have also prepared and enclose an IDS and PTO-1449 Form and respectfully request that the Examiner acknowledge receipt and consideration of three of the four documents listed therein.

The Applicants note the Examiner's helpful comments concerning the Applicants' Claim of Priority and that a certified copy of the German priority document has not been filed. However, the Applicants note that the certified copy was submitted under date of April 5, 2006 and received in the

PTO on April 7, 2006 in accordance with the attached stamped postcard receipt. Acknowledgement of the filing of the certified copy is respectfully requested.

The Applicants note the objection to Claim 17 with respect to the term “appropriate.” That term has been removed from Claim 17. Withdrawal of the objection is respectfully requested.

The Applicants note the rejection of Claims 4-14 and 16-30 under 35 U.S.C. §102 as being anticipated by Kohlmorgen. The Applicants respectfully submit that Kohlmorgen is not prior art and is therefore ineligible for use under 35 U.S.C. §102.

The publication date of Kohlmorgen is September 24, 1997. The Applicants enclose Pages 1 and 2 of IEEE Xplore confirming that publication date. On the other hand, the Applicants’ priority date is September 15, 1997 based on PCT/EP98/05793, filed September 11, 1998 and DE 197 40 565.7, filed September 15, 1997.

As noted above, the Applicants have filed a certified copy of the German priority date and also enclose a verified translation of the German priority document. (The Applicants also note that the enclosed English translation is very, very similar to the Application actually filed in the USPTO on April 28, 2000.) In any event, it can readily be seen that the subject matter of all of the solicited claims is fully supported by the Applicants’ German priority document. In fact, a number of the solicited claims match to a significant degree many of the claims in the original German priority documents.

Inasmuch as the German priority document fully supports the currently solicited claims, the Applicants should be entitled to their priority date of September 15, 1997 which pre-dates the publication date of Kohlmorgen which was September 24, 1997. The Applicants therefore respectfully request withdrawal of the rejection based on Kohlmorgen.

In light of the foregoing, the Applicants respectfully submit that the entire Application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



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